

WAR CLAIMS.

LETTER

FROM

THE ATTORNEY-GENERAL,

TRANSMITTING,

Pursuant to House resolution, dated January 16, 1893, information relating to claims growing out of the late war.

JANUARY 28, 1893.—Referred to the Committee on War Claims and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington D. C., January 25, 1893.

SIR: I have the honor to make the following answer to the resolution of the House of Representatives, under date of January 16, 1893, "That the Secretaries of the Treasury, War, and Navy, and the Attorney-General, be directed to report to this House, with as little delay as possible, the number, amount, and particulars, including the place of origin, and whether presented by States or individuals, of claims growing, either directly or indirectly, out of the late war for the suppression of the rebellion, pending before said departments respectively and the Court of Claims."

For reasons hereafter stated, I am at present able to give only a general answer. There are no claims pending in the Department of Justice proper, "growing either directly or indirectly out of the late war for the suppression of the rebellion." The only connection of the Department of Justice with such claims is their defense. The Court of Claims has the custody of all papers relating thereto transmitted under the Bowman Act.

What are claims growing "directly" or "indirectly" out of the "late war for the suppression of the rebellion" is not determinable with accuracy. There are pending claims for stores and supplies taken and used by the Army of the United States. These are transmitted to the Court of Claims under the act of March 3, 1883, chapter 116, and commonly known as the "Bowman Act." A suit for \$100,000 in gold alleged to have been seized by the Army of the United States has since the date of the resolution been tried. The claimants allege that the ownership was individual, while the defendant says it was the property of the late Confederate government. The claim of the Chesapeake Female College of Virginia, involving a demand for \$100,000, is by act of Congress sent to the Court of Claims, with authority to give a judg-

ment for the use and occupation of premises belonging to the claimant at the seat of war; although by the Bowman Act a judgment is unauthorized and a claim for compensation for such use and occupation is without the jurisdiction of the court. These claims may fairly represent a class growing directly out of the war.

To another class belong claims for refunding direct taxes under the act of March 2, 1891, of which large numbers have been transmitted by the Treasury Department under the provisions of section 1063, Revised Statutes, and also the claim of the State of New York to recover \$130,000 interest on bonds issued by that State to raise money to equip troops to assist in the suppression of the rebellion. The latter case is pending in the Supreme Court of the United States on an appeal by the defendant from a judgment in favor of the State of New York for \$91,320.84. These cases may be said to grow "indirectly" out of the war.

Jurisdiction over these various classes of claims is therefore acquired under the Bowman act, the Tucker act, and special acts of Congress.

In an exhibit to my report for 1892 it will be seen that on November 1 of that year there were pending in the Court of Claims, transmitted under the Bowman act, 7,868 cases. Filed since November 1, 1892, to January 17, 1893, 4; total, 7,872; disposed of since November 1, 1892, 68; pending January 17, 1893, 7,804.

The following table shows the number of cases transmitted by Congress under the Bowman act heretofore:

1884	217
1885	177
1886	858
1887	786
1888	4, 562
1889	632
1890	866
1891	405
1892	724
Since November 1, 1892, to January 17, 1893	4

Total number referred to the court	9, 231
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Total number pending January 17, 1893	7, 804
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The foregoing tabulation is made from the dockets of the Court of Claims. As seen, claims growing directly and indirectly out of the late war for the suppression of the rebellion are not confined to Bowman-act cases, nor are Bowman-act cases made up alone from war claims. Other matters are transmitted for investigation by Congress under the Bowman act and are included in the numbers given above. No attempt has heretofore been made to segregate from the number pending under the Bowman act such as are strictly war claims.

A reference to the annual reports of the Attorneys-General since 1884 may afford some information upon the subject of the methods adopted in estimating the sums claimed in cases transmitted under the Bowman act.

Hon. Benjamin Brewster, Attorney-General, in his annual report for 1884, said:

Under the act of March 3, 1883, ch. 116, committees of the Senate have transmitted to the court 22 claims and committees of the House of Representatives 317 claims, amounting in the aggregate to about \$4,000,000.

Hon. A. H. Garland, Attorney-General, in his annual report for 1885 said:

Under the act of March 3, 1883, ch. 116, committees of the Senate and House of Representatives have transmitted to the court 394 claims, amounting in the aggregate to about \$9,000,000.

In 1886 Mr. Garland, in his annual report, said.

Under the act of March 3, 1883, known as the Bowman act, committees of the Senate and House of Representatives have transmitted to the court, to date, 1,238 cases. The amount claimed can not be accurately stated, but involves a very large sum.

During the last term 84 of these cases, amounting to upward of \$764,000, were acted on by the court and reported to Congress. Of this number 41 cases, aggregating about \$362,000, were dismissed for want of jurisdiction.

There are now pending 1,140 cases, involving, in so far as can be ascertained from the petitions and other papers received, upward of \$30,000,000.

In 1887, in his annual report, Mr. Garland said:

Under the act of March 3, 1883, known as the Bowman act, there have been transmitted to the court, to date, 2,038 cases. The amount claimed can not be stated, but involves a very large sum.

During the last term 147 of these cases, claiming about \$1,260,000, were acted on by the court and reported to Congress. Of this number 34 cases, aggregating upward of \$670,000, were dismissed for want of jurisdiction.

In 63 cases the findings of the court were favorable to claimants, but for reduced amounts.

There are now pending about 1,819 cases, involving, in so far as can be ascertained from the petitions and other papers received, upward of \$50,000,000.

In 1888 Mr. Garland, in his annual report for that year, said:

Under the act of March 3, 1883, known as the Bowman act, there have been transmitted to the court to date 6,597 cases. The amount claimed can not be stated, but involves a very large sum.

During the last term 278 cases, claiming about \$2,704,824.75, were acted on by the court and reported to Congress. Of this number 144 cases, claiming \$1,625,233.44, were dismissed.

In 134 cases, claiming \$1,079,591.31, findings favorable to the claimants were filed by the court, so far as is shown by the findings, for \$237,930.13.

There are now pending 6,062 cases, involving, so far as can be ascertained from the petitions and other papers received, upward of \$250,000,000.

It is not stated, except generally, upon what data Mr. Attorney-General Garland based these estimates, but as the earlier cases were tried under his administration, it is a reasonable presumption that the sums involved in such were assumed as fair criteria of the amounts involved in other pending cases. Whatever they may have been my reports have adopted substantially the same ratio.

In my annual report for 1889, I said:

Under the act of March 3, 1883, known as the Bowman Act, there have been transmitted to the court to date 7,232 cases. The amount claimed can not be stated, but involves a very large sum.

During the last term 279 cases, claiming about \$1,488,752.49, were acted on by the court, and have been or will be reported to Congress. Of this number 161 cases, claiming \$780,796.04, were dismissed.

In 118 cases, claiming \$707,956.45, findings favorable to the claimants were filed by the court, so far as is shown by the findings, for \$105,600.10.

There are now pending 6,417 cases, involving, so far as can be ascertained from the petitions and other papers received, upwards of \$350,000,000.

In 1890, I said:

Under the act of March 3, 1883, known as the Bowman Act, there have been transmitted to the court to date 8,096 cases. The amount claimed can not be stated, but involves a very large sum.

During the last term 144 cases, claiming about \$998,259.82, were acted on by the court, and have been or will be reported to Congress. Of this number 81 cases, claiming \$345,996.83, were dismissed.

In 10 cases, claiming \$32,666.20, findings favorable to the defendant were filed by the court; and in 53 cases, claiming \$619,596.79, findings favorable to claimants were filed for \$103,444.29.

There are now pending 7,136 cases, involving, so far as can be ascertained from petitions and other papers received, upward of \$400,000,000.

In this same report calling attention to the pay of the assistant attorneys in the Court of Claims (XXII), it is said "the war claims alone now pending are about 8,000 in number, and estimated upon the basis of amount claimed in cases tried earlier in their history, will aggregate at least \$400,000,000.

In my Annual Report for 1891, Exhibit 3, p. 4, states the total number of cases "pending November 1, 1891, 7,393. The amount claimed can not be stated with accuracy, as in many instances no sum is mentioned in the petition. Former reports of the Attorney-General have estimated it as \$400,000,000." (p. 9.)

November 1, 1892, there were pending in the Court of Claims 475 more such claims than on November 1, 1891. I adopted the amount which had hitherto been assumed.

Every annual report of this Department has fully stated in connection with the estimated amounts of Bowman act claims, the number of suits passed upon by the Court of Claims, the amounts claimed in the same, the amounts allowed and disallowed, so that the ratio of sums claimed to sums allowed has been at all times an easy matter of mathematical calculation. That the sums recovered have not been larger is not to be attributed to claimants and their witnesses. The extravagant claims in the cases transmitted under the Bowman act are ordinarily contended for in the testimony adduced by claimants.

From the foregoing résumé it will be seen that while there has been no pretense to state accurately the details or aggregate of these claims, in the later reports the amounts stated have rested upon substantially the same data and ratio as those of the earlier reports, especially the reports of my predecessor, in which the aggregate is placed at "upward of \$250,000,000." If this statement by him is erroneous, then those subsequently made are probably so for like reasons. If his statement is approximately correct, then the latter ones are.

The attention of Congress has been called to the number and assumed amounts claimed in Bowman act cases, not for the purpose of disparaging any particular class of claims, but to urge upon that body the necessity of providing the Department of Justice with assistants and money adequate to the proper defense of the Government against claims which, in any event as made, have assumed enormous proportions. The major part of the appropriation for the defense of cases in the Court of Claims is expended in war claims cases.

The resolution calls for the aggregate and "particulars" of the claims "including the place of origin, and whether presented by States or individuals." The amounts can not be stated with the accuracy required by the resolution, except by a detailed examination of the petitions filed in the Court of Claims. Nor can the origin, particulars, and the States of the claimants be found except by such examination. In this way alone can it be determined how many war claims are included in the Bowman act cases, and how many are pending by virtue of other sources of jurisdiction. This will be attempted; but I have no warrant for saying it can be accomplished at an early date. To comply with this request fully will require the inspection of each of the 7,804 claims pending under the Bowman act, and also those transmitted by Departments and authorized by special acts of Congress. The original papers sent to the Court of Claims by Congress must be examined for particulars, and such papers are very numerous. To gain an intelligent understanding of the matter there ought also to be added like data respecting the cases already decided.

It may be stated generally, that by far the greater number of petitions filed in strictly war claims cases are in behalf of individuals. There are instances in which corporations, municipal, business, literary, and eleemosynary, have pending claims. I am not able without inspection to state the number filed by citizens from any particular State.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.



